

EXHIBIT A

1638

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

PEGGIE ANN HOUE,

Plaintiff,

V.

MENARD, INC.,

Defendant.

Court No.:

Return Date:

Ad Damnum: \$72,500.00

FILED
6/6/2022 5:12 PM
IRIS Y. MARTINEZ
#19941
CIRCUIT CLERK
COOK COUNTY, IL
2022L005051
Calendar, E
18179860

COMPLAINT AT LAW

The above-named Plaintiff, PEGGIE ANN HOUBE, by HELLER & RICHMOND, LTD., her attorneys, as and for her Complaint at Law against the above-named Defendant, MENARD, INC., alleges and shows to the Court as follows:

Count I: Premises Liability Act Against MENARD, INC.

1. The events complained of took place on or about May 30, 2021, in the Village of Crestwood, County of Cook, and State of Illinois.
2. At all relevant times, the plaintiff, PEGGIE ANN HOUPE, resided in the County of Cook and State of Illinois.
3. At all relevant times, the defendant, MENARD, INC., was a foreign corporation licensed to do business in the state of Illinois.
4. At all relevant times, the defendant, MENARD, INC., owned, managed, operated, controlled and maintained a store called “Menards” located at 4701 W. Cal Sag Road, in the Village of Crestwood, County of Cook, and State of Illinois (hereinafter “the Premises”), and did operate, control, manage, supervise and maintain the property through its employees, agents and servants.
5. On May 30, 2021, plaintiff, PEGGIE ANN HOUPE, was an invitee of Defendant,

MENARD, INC., and was on the Premises to engage in shopping.

6. At all relevant times, the plaintiff, PEGGIE ANN HOUE, was in the exercise of reasonable care for her own safety and the safety of others.

7. On May 30, 2021, the plaintiff, PEGGIE ANN HOUE, was walking to the restroom near the front of the store when her feet got caught on a yellow band, oval in shape, that was placed on the ground (see Exhibit A) and she was caused to fall and become injured.

8. On and before May 30, 2021, there was in place a certain statute in Illinois, commonly referred to as the Premises Liability Act, 740 ILCS 130/1 *et al.*

9. On May 30, 2021, at 4701 W. Cal Sag Road, in the Village of Crestwood, County of Cook, and State of Illinois, the defendant, MENARD, INC. was then and there in violation of the Premises Liability Act in one or more of the following ways:

- a. Failing to exercise reasonable care for plaintiff's safety as an invitee upon the property;
- b. Failing to provide adequate and safe ingress and egress to the restroom that would have allowed the plaintiff to travel to the restroom safely;
- c. Allowing the area used to travel to the restroom to contain the subject foreign object at issue;
- d. Failing to clean up or otherwise protect plaintiff from the subject foreign object at issue so that it would not interfere with persons, including but not limited to plaintiff, attempting to reach the restroom;
- e. Improperly operated, managed, maintained and controlled the aforesaid premises;
- f. Allowed and permitted a dangerous condition to remain in or around the premises;
- g. Failed to make a reasonable inspection of the aforesaid premises, when the defendant knew, or should have known, that said inspection was necessary to prevent injury to the plaintiff;
- h. Failed to warn the plaintiff of the subject foreign object at issue, when the defendant knew, or in the exercise of ordinary care should have known, that said warning was

necessary to prevent injury to the plaintiff;

- i. Failed to remove the subject foreign object from around the premises.

10. As a proximate result of one or more of the foregoing violations of the Premises Liability Act by defendant, MENARD, INC., plaintiff, PEGGIE ANN HOUE, was seriously injured and was caused to suffer diverse temporary and permanent disabling injuries to her head, body, mind, limbs and nervous system and other parts of her body; plaintiff has endured pain and suffering and will continue to endure pain and suffering in the future; plaintiff has incurred medical expenses in the past and will incur medical expenses in the future; and plaintiff has become permanently injured and disfigured as a result of the foregoing accident; plaintiff has been and will be prevented from attending to her usual affairs and duties and has lost and will continue to lose great gains she would otherwise have made and acquired.

WHEREFORE, the plaintiff, PEGGIE ANN HOUE, prays this Honorable Court enter a judgment in her favor and against the defendant, MENARD, INC, for a fair and reasonable sum in excess of Fifty Thousand Dollars (specifically, \$72,500.00) plus costs and for such other and further relief that this Honorable Court deems just and equitable.

Count II: Negligence Against MENARD, INC.

1. The events complained of took place on or about May 30, 2021, in the Village of Crestwood, County of Cook, and State of Illinois.
2. At all relevant times, the plaintiff, PEGGIE ANN HOUE, resided in the County of Cook and State of Illinois.
3. At all relevant times, the defendant, MENARD, INC., was a foreign corporation licensed to do business in the state of Illinois.
4. At all relevant times, the defendant, MENARD, INC., owned, managed, operated,

controlled and maintained a store called “Menards” located at 4701 W. Cal Sag Road, in the Village of Crestwood, County of Cook, and State of Illinois (hereinafter “the Premises”), and did operate, control, manage, supervise and maintain the property through its employees, agents and servants.

5. On May 30, 2021, plaintiff, PEGGIE ANN HOUE, was an invitee of Defendant, MENARD, INC., and was on the aforementioned premises to engage in shopping.

6. At all relevant times, the plaintiff, PEGGIE ANN HOUE, was in the exercise of reasonable care for her own safety and the safety of others.

7. On May 30, 2021, the plaintiff, PEGGIE ANN HOUE, was walking to the restroom near the front of the store when her feet got caught on a yellow band, oval in shape, that was placed on the ground (see Exhibit A) and she was caused to fall and become injured.

8. On and before May 30, 2021, there was in place a certain statute, commonly referred to as the Premises Liability Act, 740 ILCS 130/1 *et al.*

9. On May 30, 2021, at 4701 W. Cal Sag Road, in the Village of Crestwood, County of Cook, and State of Illinois, the defendant, MENARD, INC., was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Failing to exercise reasonable care for plaintiff's safety as an invitee upon the property;
- b. Failing to provide adequate and safe ingress and egress to the restroom that would have allowed the plaintiff to travel to the restroom safely;
- c. Allowing the area used to travel to the restroom to contain the subject foreign object at issue;
- d. Failing to clean up or otherwise protect plaintiff from the subject foreign object at issue so that it would not interfere with persons, including but not limited to plaintiff, attempting to reach the restroom;
- e. Improperly operated, managed, maintained and controlled the aforesaid premises;

- f. Allowed and permitted a dangerous condition to remain in or around the premises;
- g. Failed to make a reasonable inspection of the aforesaid premises, when the defendant knew, or should have known, that said inspection was necessary to prevent injury to the plaintiff;
- h. Failed to warn the plaintiff of the subject foreign object at issue, when the defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury to the plaintiff;
- i. Failed to remove the subject foreign object from around the premises;
- j. Was otherwise careless and negligent.

10. As a proximate result of one or more of the foregoing aforesaid careless and negligent acts or omissions by defendant, MENARD, INC., plaintiff, PEGGIE ANN HOUPÉ, was seriously injured and was caused to suffer diverse temporary and permanent disabling injuries to her head, body, mind, limbs and nervous system and other parts of her body; plaintiff has endured pain and suffering and will continue to endure pain and suffering in the future; plaintiff has incurred medical expenses in the past and will incur medical expenses in the future; and plaintiff has become permanently injured and disfigured as a result of the foregoing accident; plaintiff has been and will be prevented from attending to her usual affairs and duties and has lost and will continue to lose great gains she would otherwise have made and acquired.

WHEREFORE, the plaintiff, PEGGIE ANN HOUPÉ, prays this Honorable Court enter a judgment in her favor and against the defendant, MENARD, INC, for a fair and reasonable sum in excess of Fifty Thousand Dollars (specifically, \$72,500.00) plus costs and for such other and further relief that this Honorable Court deems just and equitable.

Respectfully submitted,

By: /s/ Michael R. Richmond, Esq.

HELLER & RICHMOND, LTD.
Attorneys for Plaintiff
33 N. Dearborn St., Suite 1907
Chicago, IL 60602
(312) 781-6700
Atty. #91470
mrichmond@hellerrichmond.com

Ill Law Division initial Case Management Dates will be heard via ZOOM.

For more information and Zoom Meeting IDs go to https://www.cookcountycourt.org/HOME/Zoom-Links/Agg4906_SelectTab/12

Remote Court date: 8/11/2022 9:00 AM

EXHIBIT

FILED
6/6/2022 5:12 PM
IRIS L. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L005051
Calendar, E
18179860

